

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT WINCHESTER**

UNITED STATES OF AMERICA )  
                                ) Case No. 4:15-cr-18-1  
v. )  
                                ) Judge Travis R. McDonough  
MICHAEL SIBERT )  
                                ) Magistrate Judge Susan K. Lee  
                                )

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**ORDER**

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Magistrate Judge Susan K. Lee filed a Report and Recommendation recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea as to Count One of the five-count Indictment; (2) accept Defendant's guilty plea as to the lesser included offense of the charge in Count One of the Indictment, that is of conspiracy to distribute 50 kilograms or more of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(C); (3) adjudicate the Defendant guilty of lesser included offense of the charge in Count One of the Indictment, that is of conspiracy to distribute 50 kilograms or more of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(C); (4) defer a decision on whether to accept the plea agreement until sentencing; and (5) order that Defendant remain in custody until sentencing in this matter (Doc. 221). Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Lee's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's

report and recommendation (Doc. 221) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea as to lesser included offense of the charge in Count One of the Indictment, that is of conspiracy to distribute 50 kilograms or more of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(C) of the Indictment is **GRANTED**;
2. Defendant's plea of guilty to lesser included offense of the charge in Count One of the Indictment, that is of conspiracy to distribute 50 kilograms or more of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(C) is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of lesser included offense of the charge in Count One of the Indictment, that is of conspiracy to distribute 50 kilograms or more of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(C);
4. A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and
5. Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **March 10, 2017 at 9:00 a.m. [EASTERN]** before the undersigned.

**SO ORDERED.**

*/s/Travis R. McDonough*

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**TRAVIS R. MCDONOUGH**

**UNITED STATES DISTRICT JUDGE**